333

BILL NO. Z-88-04-09

ZONING MAP ORDINANCE NO. Z-07-88

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-B (Community Shopping Center) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Northeast Quarter of Section 19, Township 31 North, Range 13 East, also being known as part of Lot 3 on a survey recorded June 11, 1926, in Plat Record 12, pages 44-45, more particularly described as follows:

Beginning at a point on the North line of the Northeast Quarter 653.52 feet West of the Northeast corner thereof; thence West on the North line of the Northeast Quarter, a distance of 70 feet; thence South 5 degrees and 30 minutes West, a distance of 240 feet to the centerline of a 14 foot driveway; thence East on the centerline of said driveway, a distance of 90 feet; thence North a distance of 240.7 feet to the place of beginning.

ALSO:

Part of Lot #2 in Parker Estate Addition to the City of Fort Wayne, Indiana, located in the Northeast Quarter of Section 19, Township 31 North, Range 13 East, Allen County, Indiana, said part being more particularly described as follows, to-wit:

Beginning on the West line of said Lot #2 at a point situated 1193.0 feet North of the Southwest corner of said Lot #2; thence North, on and along said West line, a distance of 130.2 feet (recorded 135.1 feet) to the Northwest corner of said Lot #2; thence Easterly, by a deflection angle right of 92 degrees 38 minutes (recorded 91 degrees 26.1 minutes), on and along the North line of said Lot #2, a distance of 197.0 feet (recorded 196.86 feet) to the Northeast corner of said Lot #2; thence Southerly, by a deflection angle right of 87 degrees 29 minutes (recorded 88 degrees 33.9 minutes), on and along the East line of said Lot #2, a distance of 121.0 feet (recorded 130.0 feet) to the Southwest corner of Lot #2 in Parker Homestead Addition; thence Westerly, by a deflection angle right of 89 degrees 50 minutes (recorded 89 degrees 57 minutes), a distance of 196.5 feet (recorded 196.8 feet) to the point of beginning, containing 0.567 acres of land, subject to a driveway easement over the

Northerly 7.0 feet thereof and subject to all other easements record.

ALSO:

Part of the Northeast One-Quarter of Section 19, Township 31 North, Range 13 East, Allen County, Indiana, being Lot #1 in PARKER ESTATE, recorded in Plat Book 12, Page 44, Allen County Recorder's Office, more particularly described as follows: BEGINNING at a point on the North line of said Section 19 (said point also being on the North line of said Lot #1) situated 456.72 feet (plat) West of the Northeast corner of said Section 19; thence North 89 degrees 24 minutes West (bearings based on Plat of Parker Estate) along the North line of said Section and said Lot #1 a distance of 196.8 feet to the West line of said Lot #1; thence South 0 degrees 03 minutes West along the West line of said Lot #1 a distance of 240.7 feet to the Southwest corner of said Lot #1; thence South 86 degrees 36 minutes 30 seconds East (South 87 degrees 09 minutes East plat) along the South line of said Lot #1 a distance of 197.0 feet to the Southeast corner of said Lot #1; thence North 0 degrees 03 minutes East along the East line of said Lot #1 a distance of 250.3 feet to the Point of Beginning. Parcel contains 1.11 acres, more or less and is subject to the following described tract for highway right-of-way for St. Joseph Center Road: Beginning at a point on the North line of Section 19, Township 31 North, Range 13 East (said point also being the North line of Lot #1 in Parker Estate) said point being situated 456.72 feet (plat) West of the Northeast corner of said Section 19; thence North 89 degrees 24 minutes West along the North line of said Section 19 and the North line of said Lot #1 a distance of 196.8 feet to the West line of said Lot #1; thence South 0 degrees 03 minutes West along the West line of said Lot #1 a distance of 59.8 feet; thence North 79 degrees 24 minutes 00 seconds East a distance of 100.93 feet to a point situated 40 feet from and normal to the North line of said Lot #1; thence South 77 degrees 43 minutes 35 seconds East a distance of 99.85 feet more or less to a point on the East line of said Lot #1; thence North 0 degrees 03 minutes East along the East line of said Lot #1 a distance of 60.0 feet to the Point of Beginning. Right-of-way tract contains 0.23 acres, more or less, recorded in Deed Book 593, pages 206-208. Parcel is also subject to a private driveway easement over the Southern portion thereof and any pertinent easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. Q-34, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

333

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on ____, the ____, day of ____, 19__, at ____ o'clock __.M.,E.S.T.

DATE: 4-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
GiaQUINTA	✓				
HENRY	✓				
LONG	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 5-10-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. Z-07-88 on the 10th day of May, 19 88,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Thomas C. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 19 88, at the hour of 2:00 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of May, 19 88, at the hour of 4:30 o'clock P.M.,E.S.T.

P. Helmke
PAUL HELMKE, MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

Ck# 2803

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

№ 2769

FT. WAYNE, IND., 3/21 1988

RECEIVED FROM The Market Place $50.00

THE SUM OF Fifty 100 DOLLARS

ON ACCOUNT OF 5675 Stone Rd

Rezone

[illegible]

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We H. Stanley Liddell, Jr.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an B2B District the property described as follows:

See descriptions attached as Exhibits "A", "B", and "C".

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

Parker Drive

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
H. Stanley Liddell, Jr.	5675 St. Joe Road Fort Wayne, IN 46835	

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

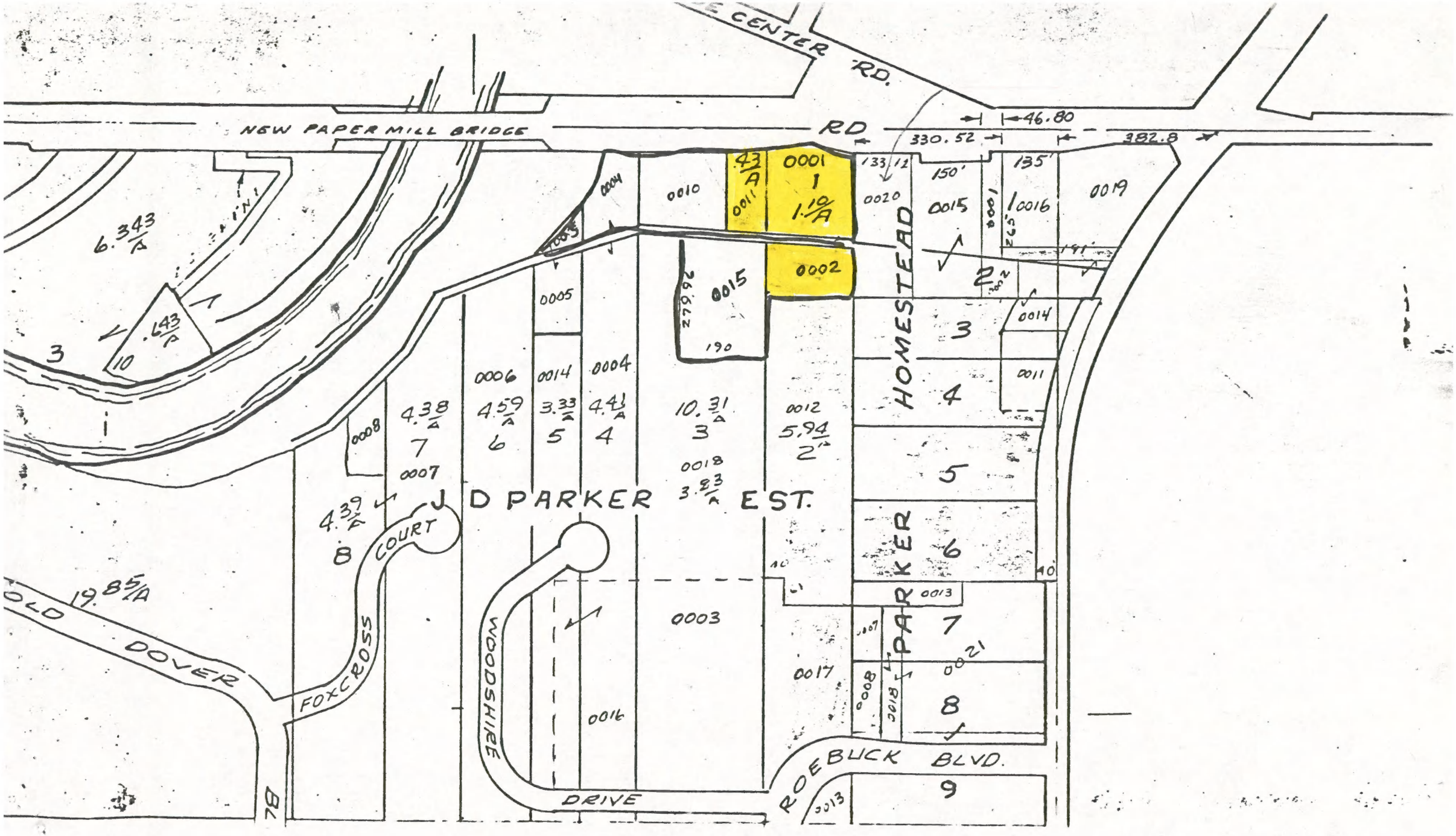
All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinanc being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Thomas J. Blee	1300 Lincoln Bank Tower Fort Wayne, IN 46802	219/426-1300

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearin approximately ten (10) days prior to the meeting.


E CENTER RD.
NEW PAPER MILL BRIDGE RD
46.80
330.52
382.8
HOMESTEAD
J D PARKER EST.
PARKER
8 COURT
FOXCROSS
WOODSHIRE
DRIVE
ROEBUCK BLVD.
OLD DOVER
6.343 A
.643 A
4.38 A
4.59 A
3.33 A
4.41 A
10.31 A
5.94 A
4.39 A
3.83 A
19.85 A
1.10 A
0001
0002
0003
0004
0005
0006
0007
0008
0010
0011
0012
0013
0014
0015
0016
0017
0018
0019
0020
0021
133.12
150'
135'
279.92
190
1
2
3
4
5
6
7
8
9

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA

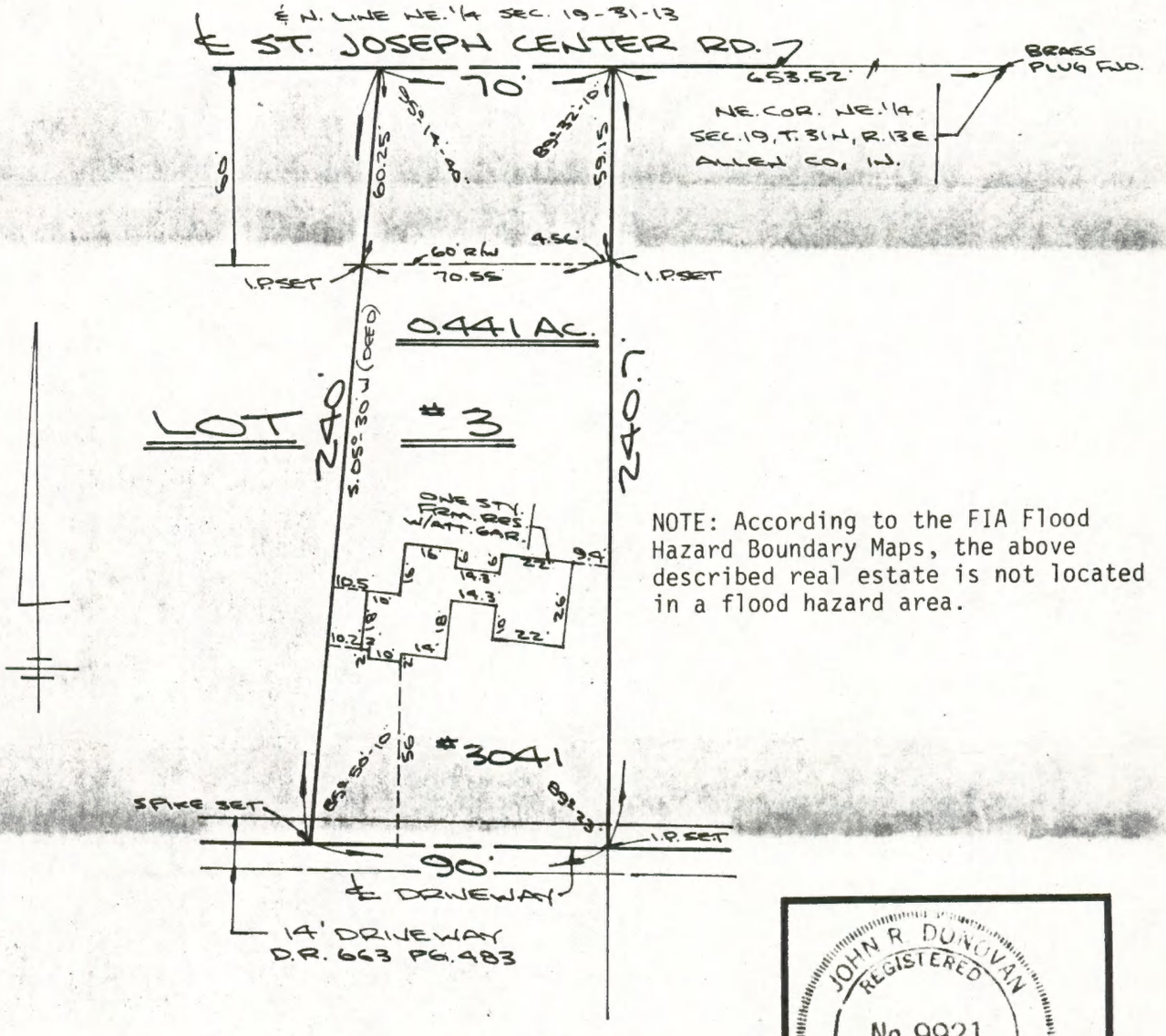
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby ceritfies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the Northeast Quarter of Section 19, Township 31 North, Range 13 East, also being known as part of Lot 3 on a survey recorded June 11, 1926, in Plat Record 12, pages 44-45, more particularly described as follows:

Beginning at a point on the North line of the Northeast Quarter 653.52 feet West of the Northeast corner thereof; thence West on the North line of the Northeast Quarter, a distance of 70 feet; thence South 5 degrees and 30 minutes West, a distance of 240 feet to the centerline of a 14 foot driveway; thence East on the centerline of said driveway, a distance of 90 feet; thence North a distance of 240.7 feet to the place of beginning.



NOTE: According to the FIA Flood Hazard Boundary Maps, the above described real estate is not located in a flood hazard area.

JOB FOR: NORMAN

1"= 50'
11-9-84

JOHN R. DONOVAN
REGISTERED
No. 9921
STATE OF INDIANA
LAND SURVEYOR

JOHN R. DONOVAN

EXHIBIT "A"

ZOHRAB K. TAZIAN, P.E. & L.S.
C. DUANE EMBURY, P.E. & L.S.
JOHN C. SAUER, L.S.
SAM L. FAUST, L.S.

zktazian
CIVIL ENGINEERING SURVEYING LAND PLANNING
ASSOCIATES, INC.
345 WEST WAYNE STREET
SUITE 202
FORT WAYNE, INDIANA 46802
PHONES: 219/424-3232
219/426-0003

CERTIFICATE OF SURVEY

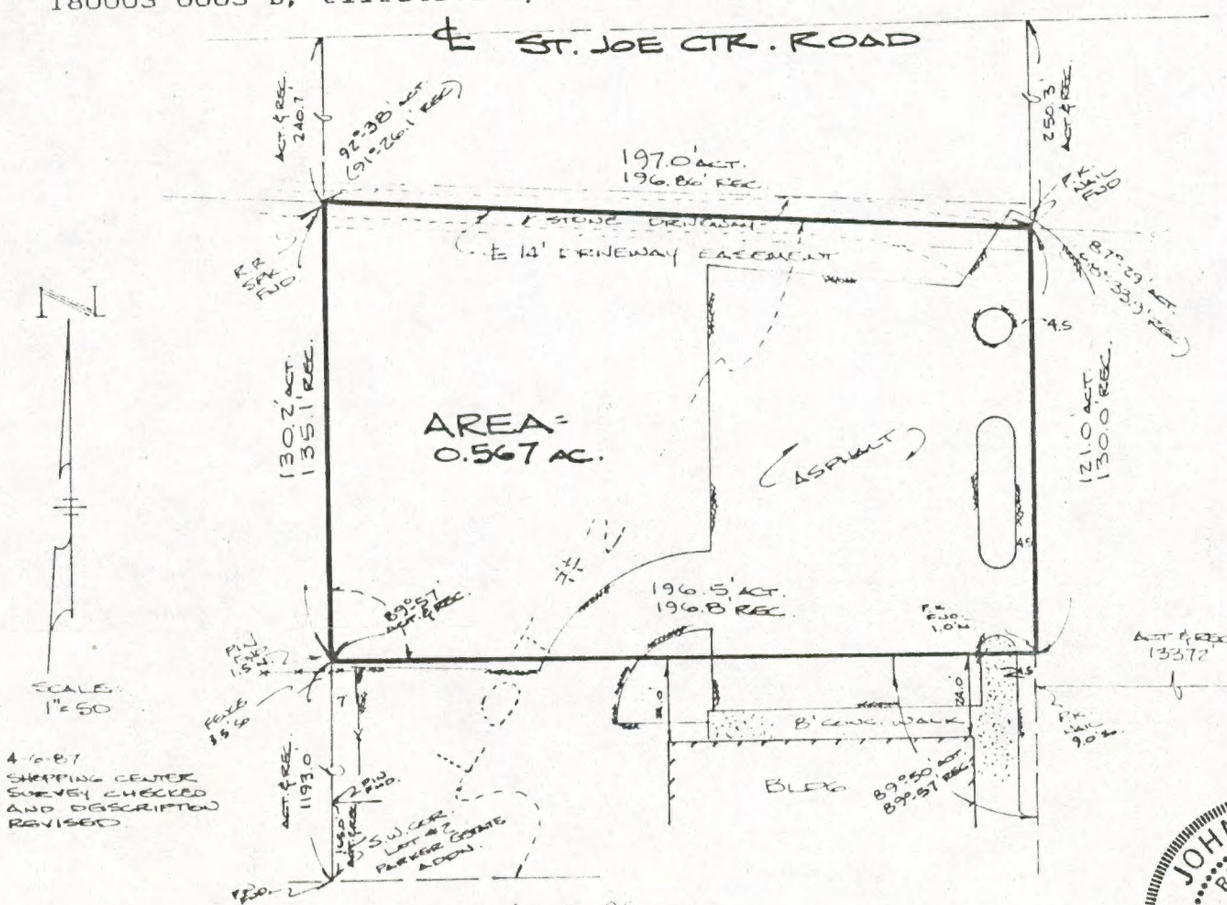
This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of ALLEN County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

Part of Lot #2 in Parker Estate Addition to the City of Fort Wayne, Indiana, located in the Northeast Quarter of Section 19, Township 31 North, Range 13 East, Allen County, Indiana, said part being more particularly described as follows, to wit:

Beginning on the West line of said Lot #2 at a point situated 1193.0 feet North of the Southwest corner of said Lot #2; thence North, on and along said West line, a distance of 130.2 feet (recorded 135.1 feet) to the Northwest corner of said Lot #2; thence Easterly, by a deflection angle right of 92°-38' (recorded 91°-26.1'), on and along the North line of said Lot #2, a distance of 197.0 feet (recorded 196.86 feet) to the Northeast corner of said Lot #2; thence Southerly, by a deflection angle right of 87°-29' (recorded 88°-33.9'), on and along the East line of said Lot #2, a distance of 121.0 feet (recorded 130.0 feet) to the Southwest corner of Lot #2 in Parker Homestead Addition; thence Westerly, by a deflection angle right of 89°-50' (recorded 89°-57'), a distance of 196.5 feet (recorded 196.8 feet) to the point of beginning, containing 0.567 acres of land, subject to a driveway easement over the Northerly 7.0 feet thereof and subject to all other easements of record.

This property is in Zone C according to Flood Insurance Rate Map 180003 0005 B, effective April 3, 1985.



I hereby certify on the 15th day of September, 19 86 that the above survey is correct.

Surveyed for: Allen County Board of Commissioners

Survey No.: NY-119

JOHN C. SAUER
REGISTERED
No. S0364
STATE OF INDIANA
LAND SURVEYOR

EXHIBIT "B"

C. David Coil, P.E., L.S.
Kerry D. Dickmeyer, L.S.
John L. Updike, L.S.

COIL & DICKMEYER, INC.
6044 East State Blvd.
Fort Wayne, Indiana 46815

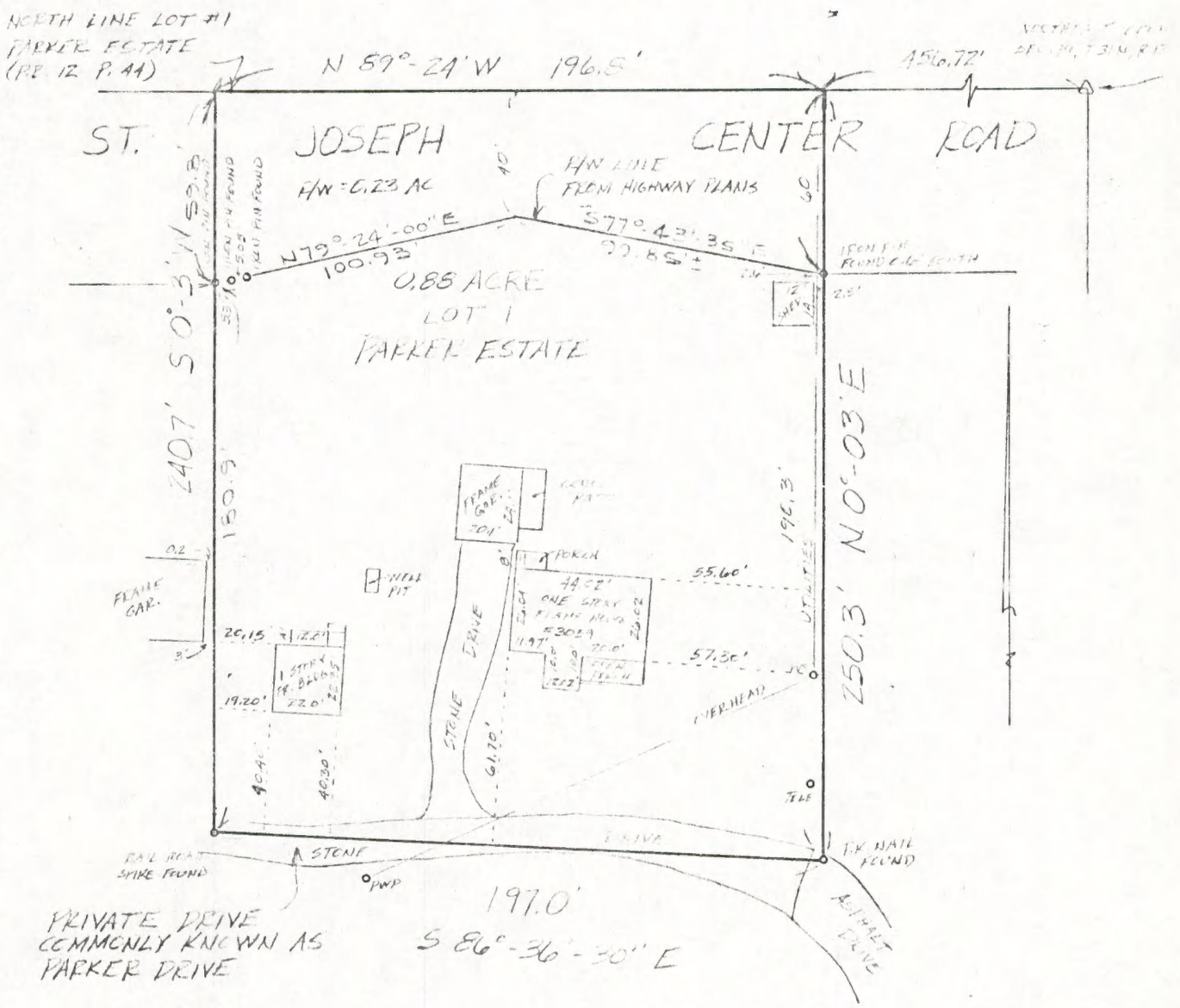
Survey No. S.. 871240

CERTIFICATE OF SURVEY

This document is a record of a re-survey of land and real estate located in ST. JOSEPH TWP, ALLEN CO, Indiana made in accordance with the records on file in the Office of Recorder of said county. The land described exists in the full dimensions shown, is free from encroachment by adjoining land owners and contains entirely within its boundaries any structures located upon it except as noted below.

SEE ATTACHED SHEET FOR LEGAL DESCRIPTION

FLOOD PLAIN NOTE: N.F.I.P. Flood Insurance Rate Map Community # 180003, Panel # 0005 B, shows the above described property in a Zone C desgination.



P.W.P. = POWER POLE
TELE = TELEPHONE MANHOLE

SELLER: Environmental Properties
BUYER: Stan Liddell

IN WITNESS WHEREOF, I set my hand and seal, this 8th day of APRIL, 19 87.

Valid only with original hand and seal.

John L. Updike

EXHIBIT "C"

C. David Coil, P.E., L.S.
Kerry D. Dickmeyer, L.S.
John L. Updike, L.S.

COIL & DICKMEYER, INC.
6044 East State Blvd.
Fort Wayne, Indiana 46815

Survey No. S. 871240

CERTIFICATE OF SURVEY

This document is a record of a re-survey of land and real estate located in St. Joseph Twp., Allen County ,Indiana made in accordance with the records on file in the Office of Recorder of said county. The land described exists in the full dimensions shown, is free from encroachment by adjoining land owners and contains entirely within its boundaries any structures located upon it except as noted below.

LEGAL DESCRIPTION

Part of the Northeast One-quarter of Section 19, Township 31 North, Range 13 East, Allen County, Indiana, being Lot # 1 in PARKER ESTATE, recorded in Plat Book 12, Page 44, Allen County Recorder's Office, more particularly described as follows: BEGINNING at a point on the North line of said Section 19 (said point also being on the North line of said Lot # 1) situated 456.72 feet (plat) West of the Northeast corner of said Section 19; thence North 89 degrees 24 minutes West (bearings based on Plat of Parker Estate) along the North line of said Section and said Lot # 1 a distance of 196.8 feet to the West line of said Lot # 1; thence South 0 degree 03 minutes West along the West line of said Lot # 1 a distance of 240.7 feet to the Southwest corner of said Lot # 1; thence South 86 degrees 36 minutes 30 seconds East (South 87 degrees-09 minutes East plat) along the South line of said Lot # 1 a distance of 197.0 feet to the Southeast corner of said Lot # 1; thence North 0 degree 03 minutes East along the East line of said Lot # 1 a distance of 250.3 feet to the Point of Beginning. Parcel contains 1.11 acres, more or less an is subject to the following described tract for highway right-of-way for St. Joseph Center Road: Beginning at a point on the North line of Section 19, Township 31 North, Range 13 East (said point also being on the North line of Lot # 1 in Parker Estate) said point being situated 456.72 feet (plat) West of the Northeast corner of said Section 19; thence North 89 degrees 24 minutes West along the North line of said Section 19 and the North line of said Lot # 1 a distance of 196.8 feet to the West line of said Lot # 1; thence South 0 degree 03 minutes West along the West line of said Lot # 1 a distance of 59.8 feet; thence North 79 degrees 24 minutes 00 seconds East a distance of 100.93 feet to a point situated 40 feet from and normal to the North line of said Lot #1; thence South 77 degrees 43 minutes 35 seconds East a distance of 99.85 feet more or less to a point on the East line of said Lot # 1; thence North 0 degree 03 minutes East along the East line of said Lot # 1 a distance of 60.0 feet to the Point of Beginning. Right-of-way tract contains 0.23 acres, more or less, recorded in Deed Book 593, pages 206 - 208. Parcel is also subject to a private driveway easement over the Southern portion thereof and any pertinent easements of record.

IN WITNESS WHEREOF, I set my hand and seal,
this 8th day of April, 19 87

Valid only with original hand and seal.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 12, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-04-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 18, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held April 25, 1988.

Certified and signed this
26th day of April 1988.

Robert Hutner
Secretary

#333

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment Z-88-04-09

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE A parcel lying just south of St. Joe Center Road and adjacent to and immediately west of Canterbury Shopping Center.'

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential. Property will become B-2-B - Community Shopping Center District.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-88-04-09

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From RA to B-2-B		

DETAILS

Specific Location and/or Address

A parcel on the south side of St. Joe Center Road, immediately west of the existing Marketplace of Canterbury

Reason for Project

Enlargement of existing center for future growth.

Discussion (Including relationship to other Council actions)

18 April 1988 - Public Hearing

Thomas Blee, attorney representing the petitioner and owner of the Marketplace of Canterbury appeared before the Commission. Mr. Blee stated that the parcel in question is no longer suitable for residential use. He stated that it is adjacent to the center and has no access except over and across the parking lot which serves the Marketplace of Canterbury. He stated the best use possible and the only use would be as part of the shopping center.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

25 April 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the six (6) members present 5 voted in favor of the motion one (1) did not vote.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** H. Stanley Liddel, Jr. **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 21 March 1988

Projected Completion or Occupancy Date 26 April 1988

Fact Sheet Prepared by Date 26 April 1988

Patricia Biancaniello

Reviewed by Date 5/4/88

Reference or Case Number

BILL NO. Z-88-04-09

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (~~RESOLUTION~~) Do Pass

YES		NO
Janet G. Bradbury	JANET G. BRADBURY CHAIRPERSON	
Mark E. GiaQuinta	MARK E. GiaQUINTA VICE CHAIRMAN	
	CHARLES B. REDD	
	DAVID C. LONG	
	PAUL M. BURNS	

CONCURRED IN 5-10-88

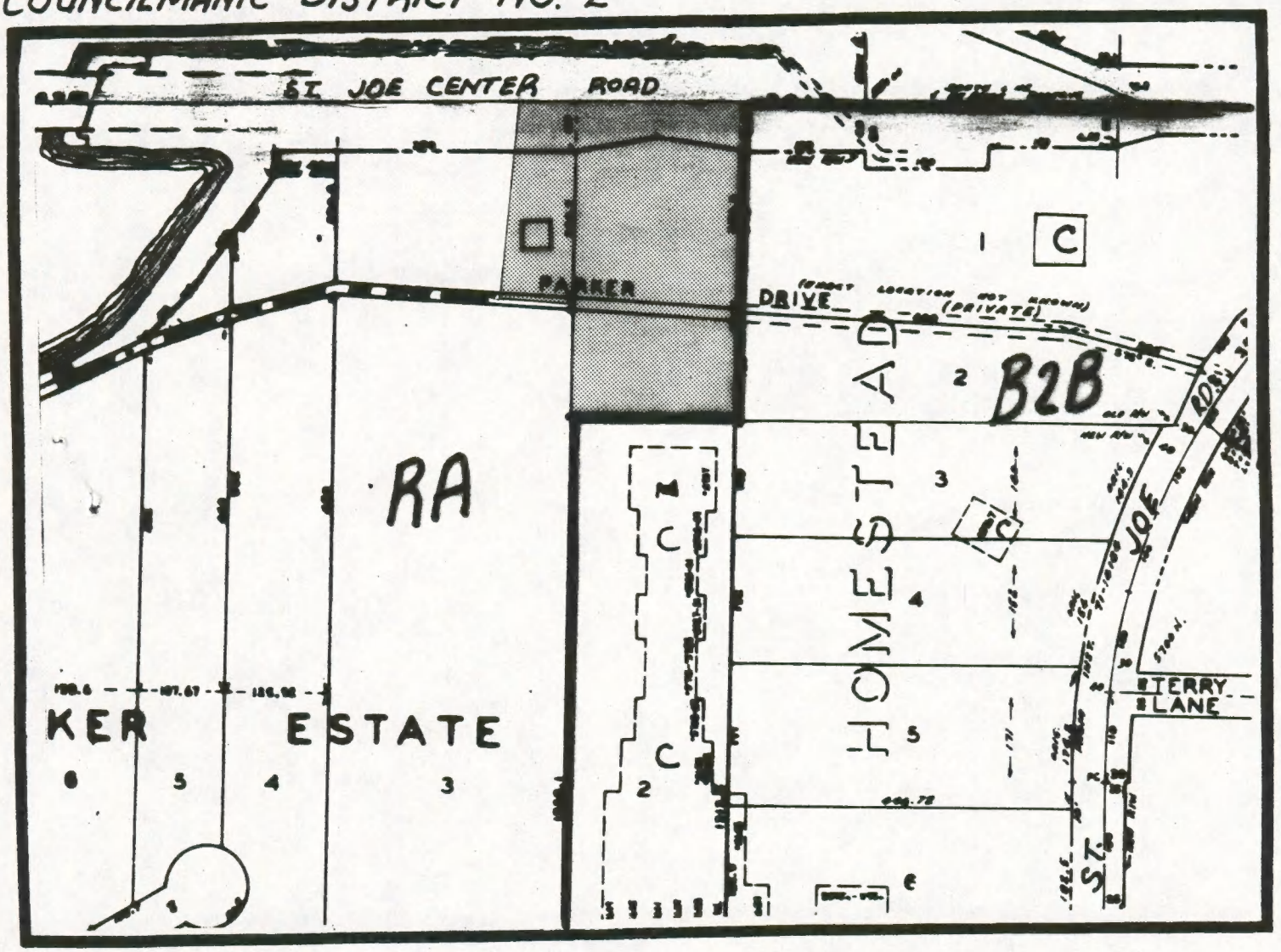
Sandra E. Kennedy
City Clerk

REZONING PETITION #333

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA DISTRICT TO A B2B DISTRICT.

MAP NO. Q-34

COUNCILMANIC DISTRICT NO. 2



ZONING:

RA RESIDENCE 'A'

B2B COMMUNITY SHOPPING CENTER

LAND USE:

- ☐ SINGLE FAMILY
- [M] MULTI-FAMILY
- [C] COMMERCIAL

N

SCALE: 1"=200'

DATE: 3-29-88